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THE WHOLE OF THE

PROCEEDINGS

AT THE

MEETING

OF THE FRIENDS OF

The Liberty of the Press,

AT

FREE MASONS' TAVERN,

On Saturday, December 22, 1792,

With the much admired

SPEECH of Mr. ERSKINE.

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THE
LIBERTY OF THE PRESS.

GERARD NOEL EDWARDS, Esq. M. P.
G was unanimously called to the Chair, when he very politely returned thanks for the honour conferred upon him; assured the company, that although he had not been previously apprised of the flattering distinction, yet that he was firmly devoted to the cause for which they met. That his private concerns in the country might, perhaps, deprive him of the pleasure of attending the next Meeting; but that, when he returned to town, his head, hand, and heart, would be cheerfully united to their exertions. [*Very loudly applauded.*]

Mr. Clifford followed, by the most sincere professions of his attachment to the Freedom of the Press. He explained, in some degree, the purposes of the Meeting, and read the following Resolutions which had been prepared.

1st. "That the Liberty of the Press is a Right inseparable from the principles of a free Government, and essential to the security of the British Constitution.

2d. "That this Liberty consists in the free Discussion and examination of the Principles of Civil Government, and of all matters of Public Opinion.

3d. "That no Writing ought to be considered as a Public Libel, and made the subject of Criminal Prosecution, unless such Writing shall appear to be published with a design to excite the

People to resist the Civil Magistrate, or obstruct the execution of the existing Laws.

4th. " That such Publications may become proper objects of Prosecution; and that the Executive Government is entrusted with Power amply sufficient for that purpose.

5th. " That we have therefore seen with uneasiness and alarm, the formation of certain Societies, which, under the pretence of supporting the Executive Magistrate, and defending the Government against Sedition, have held out general Terrors, against the circulation of writings, which, without describing them, they term Seditious, and entered into Subscriptions for the maintenance of Prosecutions against them: a proceeding doubtful as to its Legality, Unconstitutional in its Principle, Oppressive in its Operation, and Destructive of the Liberty of the Press.

6th. " That such Associations have appeared to us the more exceptionable, from an attentive observation of their Proceedings; whilst mutually binding and engaging themselves to enforce the Execution of the Laws against Seditious Libels, they have themselves produced and circulated Publications containing Doctrines long since exploded, and which, if admitted, would prove the Revolution to have been an act of Rebellion, and the Title of the reigning Family to the Throne of these Kingdoms founded in usurpation and injustice.

7th. " That a system of jealousy and arbitrary Coercion of the People, has been at all times dangerous to the stability of the English Government.

8th. " That anxious to preserve the Public Peace as connected with Public Liberty, this Meeting considers it as an indispensable duty to warn their Fellow Subjects against all Proceedings which appear to be inconsistent with either—

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on whatever pretext they may be grounded. We are therefore determined to oppose to the utmost of our power, every attempt to prejudice any part of the Constitution, to maintain that which appears to be its best Security, the Freedom of the Press; and to use our endeavours to counteract the effect of measures, which seem calculated to suppress that liberal Sentiment and manly Freedom of Discussion, which form the Life and Soul of the British Constitution.

9th. "That the Thanks of this Meeting are particularly due to the Hon. *Thomas Erskine*, for his Constitutional Defence of the Freedom of Opinion and the Liberty of the Press in a late Trial; a Defence in which he displayed Ability, Independence, Zeal, and Eloquence, never surpassed on any former occasion at the English Bar; though that Defence was made under circumstances of such peculiar difficulty and embarrassment, as required his determined spirit and unshaken fortitude to overcome, and though he had to encounter every prejudice which Art and Industry could excite.

By Order of the Meeting,
(Signed) *Gerard Noel Edwards*, Chairman."

The first Three Resolutions appearing to be declaratory of the essential principles on which this new and spirited Society is founded, it may not be deemed unnecessary, for the sake of illustration, to present them here verbatim.

They were carried unanimously. When the question was put on the Fourth,

Mr. G. Rous rose, not only to second the motion, but to urge and explain the political necessity which had produced the meeting, rumours had been industriously propagated, that the late sudden change of opinion among a numerous class
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of Society menaced the overthrow of Government; that the new doctrines, unless checked and suppressed by the arm of Power, would be ultimately productive of Anarchy and confusion; and that, from a variety of concurrent circumstances, which no man could yet explain, the Liberties and Constitution of the Country were endangered. The Ministry, affecting terror and dismay, sounded the alarm to the most remote parts of the kingdom; and their partisans were actively employed in giving effect to the scene, by the establishment of Societies, destructive of the very principles which they pretended to maintain. If the tremendous Associations were the friends of *true* Liberty, they would not by illegal means attempt to overturn the Freedom of the Press---the Palladium of our Constitution. To curb and controul the progress of knowledge-- to denounce all men who differ from them---to fetter the Press, the happy organ of our Liberty, from which we had derived so many blessings, appeared to him the extremes of Despotism. It must be a weak Government indeed, whose principles could not bear a candid investigation. Some Gentlemen, who possessed the exercise of Government, seemed to think that the whole art consisted in deception and mystery; that the people ought to be kept in impenetrable darkness, and that they wanted a sufficient portion of intellect to form a judgment of the juggling system of State Policy. Thus, the People were to continue in ignorance, because the interest of the Governors was inevitably hostile to the knowledge of the Governed.

A Mr. Thelwall, whose oratory is well known at Coachmakers' Hall, and other places of public debate, reprobated with much vehemence the dangerous conduct of those Associations, who came precipitately forward to support the allegations

tions of the existing powers---right or wrong. To confirm this assertion, he related a fact :---One of his friends had been collared, imprisoned, and taken before a Magistrate, by a Common Councilman, because he had the treasonable audacity to affirm, *That the People of England were not properly represented!* This was the utmost extent of his crime, for which he was forced to sign a paper presented to him, and of which paper his persecutors made afterwards a very improper use, by a public advertisement in the newspapers, declaratory of sentiments diametrically opposite to those which he entertained.

A Mr. Palmer endeavoured to expose the dangerous consequences of the persecutions now alluded to. Mr. Baxter, his friend, having with more boldness than prudence, mentioned, at a public meeting in the vestry or Shoreditch, "that he could not see any of the Republicans and Levellers, who had created the late wonderful alarms; and that he did not believe any such men existed;" was furiously attacked by upwards of a dozen of men, beat and trampled upon, and committed to prison for High Treason! Finding next day, before the Public Magistrate in Worship-street, that they could not prosecute the supposed offender for High Treason, they accused him of a Libel! Here again their ground being untenable, they instituted a prosecution against him, for a Riot and Insurrection! So that this poor man, who was scarcely three feet and a half high, was to be prosecuted for having alone been guilty of a Riot and Insurrection amongst an assemblage which consisted of three hundred persons. This formed part of the wonders of the day, and deserved public animadversion.

A long verbal criticism ensued between Mr. O'Brien, Mr. Rous, Mr. Courtenay, M. P. Mr. Grey

Grey, M. P. Major Maitland, M. P. Mr. Clifford, Mr. Tiernay, and many other Gentlemen, when the Resolutions which had been originally proposed, after some slight alterations, were carried unanimously.

Major Maitland, in a forcible manner, recommended to the Meeting a Motion of Thanks to the Hon. Thomas Erskine, for his uncommon exertions at the late Trial of the Author of the Rights of Man.

A conversation followed on the propriety, at this time, of making the most distant mention of the work called The Rights of Man.

Mr. O'Brien objected; because, although he knew the intention of the Hon. Mover was to present simply the Thanks of the Society to his learned Friend, for his wonderful exertions in defence of the Liberty of the Press; yet he apprehended, in these times of Misrepresentation and Accusation, that the Vote of Thanks thus worded, might imply their approbation of the whole Doctrines contained in the Book. He had no intention to discuss the Merits or Demerits of the Rights of Man at this particular period; but merely to submit to Major Maitland and the Meeting, whether the full extent of their wishes might not be attained by the omission of the exceptionable words. Such an alteration would defy the utmost efforts of calumny.

Mr. Gerald thought it was absurd to praise Mr. Erskine's Defence, and at the same time to censure his Client's Political Doctrines. If they approved at all of Mr. Erskine's conduct, they must consequently approve of that which he had defended. It was impossible to separate the Doctrines from the Defence. He therefore opposed the alteration.

The Resolution, amended, by the omission of the

the Author's Name, and the Title of the Book, was carried—Mr. Rous, Mr. Pigott, and other Gentlemen, having convinced the Meeting, that Mr. Erskine had not attempted to defend or condemn any part of the Work, but merely the Liberty of the Press, so far as related to the Right which an Author had to publish his sentiments on Government.

Mr. Erskine, after the Resolution was passed, delivered a very animated Speech to nearly this effect:

“ It is impossible, Mr. Chairman, that I can sufficiently express my gratitude for the honour conferred upon me this day.—My feelings are too strongly agitated to permit my performance of this task, adequate to the merits of the Meeting.—Suffice it to say, that the Vote of this respectable Assembly, among whom I have the pleasure of discovering Men of the greatest eminence for Talents and Virtues, is already engraven on my Heart, and will be surrendered only with my life.—Slender are my Abilities; but such as they are, they have been devoted to the Services of my Fellow Subjects; and I assure you, that the Partiality which I now experience, tends very much to gratify that laudable Ambition which is the source of every Excellence.—I sincerely congratulate my Country on the moderation and manly firmness of this Meeting.—I augur well of its true Constitutional principles; and rejoice in the belief, that the most remote corners of the kingdom will ultimately feel its happy effects. It corroborates an opinion which I have always entertained, that vile calumny against the virtuous part of the human species will produce a greater portion of activity and vigour to resist its baneful operations. The Defence of our Rights and Liberties is now begun; and my feeble exertions shall not be want-

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ing in the glorious struggle. In standing thus boldly forward in the hour of danger, we discharge our duty to Society; and it may afford the greatest consolation to reflect, that when our Enemies and Calumniators are buried in contemptuous oblivion, our Patriotic Efforts will be transmitted to Posterity with the most enviable praise—Believing as I do in my conscience, that the purposes of this Meeting are of the most laudable nature, I shall be exceedingly sorry if the bitter tongue of Malignity wickedly pervert our designs. In the *Trial of Paine*, a verdict has already been given; therefore it would be very improper to state sentiments inimical to the Rights of British Jurors. But a final judgment has not yet been given. It consequently still remains with *Mr. Paine* to apply for an Arrest of Judgment, or a Revision of the Case. Either I, or some other person, may appear in his behalf, with ample powers, to appeal to the Lords by a Writ of Error. Thus the judges may be obliged to determine the nature of the offence committed by the supposed Delinquent; and the Rights of the Subject more fully ascertained. I do not affirm, that this mode is in contemplation; but merely to maintain, that the Author of the *Rights of Man* may adopt it if he pleases.

“ In defending *Mr. Paine*, I neither supported nor surrendered the opinions which he had advanced in his Work. I pleaded his cause in the very manner which *Mr. Paine* himself must have chosen, had he appeared as his own Advocate. I summoned all my strength; and am proud that my exertions in the conflict have been crowned with your inestimable approbation.—Every means were used to dissuade and to intimidate me from the arduous task; but I was resolved to combat every opposition. The political fermentation
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which distracted every class of Society—the implacable hatred industriously excited against every man, who nobly dared to think for himself—the pretended fears and jealousies of those, who delight to annoy the Public—all conspired against the interest of my Client. When I look back, and seriously reflect on what has happened within the last seven months, the alteration appears to me more like a shocking prodigy than any natural change in human affairs. It was strange, passing strange! And the exertions of Government tend rather to irritate than to appease. I have always understood it as an established maxim, that a man is not permitted to slander a private character. This is deemed a wanton outrage of Society. The reason is obvious; because if a man in his private capacity commit a breach of order, the Law is fully adequate to his punishment. But it is my opinion, supported by the first Authority, that an Author may advance Political Opinions, and speculate upon Public Measures, because his Writings are addressed to the People, who are supposed to be capable of deciding on the Truth or Falsity of the Doctrines. In reviewing the progress of Liberty, it will be found, that when the Star Chamber was abolished, the Judges arrogated to themselves the sole Right of determining, in the cases of Libels, both the Law and Fact. The punishment also remained for them to pronounce, which, as on all such exercise of arbitrary Power, was constantly directed by the whim, caprice, or passion of the moment. But the Law is now very happily changed; and the Rights of Jurors are fully recognized, by giving them the Constitutional Powers prescribed in the late Bill. These alterations, with a variety of others which I could recapitulate, prove the absurdity of my Learned Friend, Mr. Attorney-General's declaration—

“ That the Constitution had continued to exist unimpaired and unaltered, from all Eternity!” implying, at the same time, that it had an existence in Chaos. But it is evident, including the alterations alluded to, that the Constitution is now one year old only! Notwithstanding the torrent of abuse against Reformers, it is an incontrovertible truth recorded in almost every page of History, that the Constitution, since its origin, has received many salutary amendments, which greatly added to its vigour and stability. I have been now thanked by this very honourable Society for what I before asserted was the discharge of my duty. Being the cause of the People as much as that of an Individual, I thought it would have been disgraceful and ungrateful, on my part, to have abandoned it. From the People I have experienced many acts of partiality—have been cherished and elevated to my present eminence—have received from them that affluence which I now enjoy. It is therefore indispensibly requisite that I should embrace every opportunity of demonstrating how highly I prize their friendship. When I emerged from the obscure situation of a Half-pay Lieutenant in the Army, struggling with distress and difficulties which I believe it no crime to have encountered, I was astonished at the legal Opinions concerning the Doctrine of Libels.—I thought it very strange that the most unlimited power was entrusted to the Judges; and that the Jury was rendered totally useless. The late Lord Ashburnham, than whom no man possessed more legal knowledge, or acuteness, agreed with me as to this Violation of the Spirit of the Constitution; but the other Gentlemen of the Bar, although they might perhaps equally discern the usurpation of the Judges, thought that the difficulty of recognizing the Power of the Jury was insurmountable.

able. The greater the Opposition, the more glorious appeared to me the Victory. I entered the List, therefore, against the Judges, determined to arouse the Jury to a sense of their Rights.—But when I addressed myself to the Jury, in the case of the Dean of St. Asaph and others, I was laughed at, and censured for my temerity. Formerly, it was necessary to find a Person Guilty of Printing only.—The establishment of this Fact consigned the poor Victim to the Judges, from whom there was no Appeal. I was not subdued by a frequency of Defeats. As the task became more difficult, my energy expanded. I returned again and again to the Charge, convinced, that he who has achieved a glorious Victory, must have often sustained disappointment and defeat. My perseverance and fortitude were at last successful. The usurpation of the Judges became more and more the subject of discussion among enlightened men. The eyes of the People were also opened, and they loudly demanded a redress of their grievances. Mr. Fox, whose head and heart so universally praised, was persuaded to undertake the cause; and, without the aid of such transcendent talents, I am convinced that I should have still struggled in vain. When Mr. Fox engaged in the conflict, my exertions were less necessary. I lay on my oars, waiting for the moment of victory, when I might, without presumption, claim some trifling honours: recollecting the lines of the Poet. —

“ Say, shall my little Bark attendant sail—

“ Pursue the Triumph, and partake the gale ?”

The Bill passed the Commons, and at last received the sanction of the Lords, some of whom however were hostile to it. I shall never forget
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the conduct and declaration of the venerable Earl Cambden. It ought to immortalise him. "It is," said his Lordship, "the established Law of this Country, that were all the Judges of England to give their unanimous opinion upon a point of Law, the Jury have, nevertheless, an inherent right to determine for themselves." With regard to the cause of the present false alarms, if I am asked, What an Insurrection is? I reply, I do not know. Does it mean a few boys diverting themselves with the planting the Tree of Liberty in Dundee? No. Then where is the Insurrection?---or the Ghost of the Insurrection, which has so much frightened us? No Informers can bring it to light, no reward can conjure it up into a state of reality. I wish I had recollected at the Trial an *old Song*, the application of which sufficiently ridicules the unparalleled alarms---

*There was an Old Woman, who lived at Dundee,
And out of her backside there grew an Apple Tree!*

Perhaps the good Lady, in pity to the present Administration, has arisen from the dead, and been the cause of the dreadful alarms, by a Resurrection, instead of an Insurrection! If a man is to be calumniated when he delivers his opinion on public measures—if the progress of knowledge is to be checked—there is an end to the Liberty of the Press, consequently a mortal stab to the very essence of our Freedom. Sooner than consent to this infringement, I would sanction a Public Licensor for the Press, who should declare Libel or No Libel, and then the Author would, in case of the former, sin with his Eyes open. The issue of the Brain ought to be free as the issue of the Womb. "For, according to Milton, books are not absolute dead things, but do con-
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tain a potency of life in them, to be as active as that soul was, whose progeny they are; nay, they do preserve as in a vial, the purest efficacy and extraction of that living intellect that bred them." If the present coercive measures continue, we shall all relapse into ignorance and barbarism. The time however, will I hope very soon come, when the People will look on this and on that side of the picture, when they will impartially examine all parties, and when the malignant men who now distract society, will be dissipated like insects before the Sun! I love the British Constitution, but am convinced that it wants some repairs. Let us rub off some of the specks which are disagreeable to our eyes, and then look upon it again, when it will shine forth in all its true beauty and splendor. I rejoice in the vigour and good conduct of this Meeting. It ought to be continued; by which means we shall add strength to our deliberations, and serve the oppressed part of the People."

Mr. GREY moved, that the Meeting should be adjourned to that day month—Ordered.

Upwards of 200 attended.---Among many other respectable characters, we discovered the following:

R. B. Sheridan, Esq. M. P.
 John Courtenay, Esq. M. P.
 Col. Macleod, M. P.
 W. Smith, Esq. M. P.
 Joseph Richardson, Esq.
 D. Godfrey, Esq.
 James Mackintosh, Esq.
 Dr. Gregory
 Dr. Geddes
 J. B. Hollis, Esq.

F I N I S.